IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 325 OF 2005

Pandurang Gopal Sankpal ..Petitioner.

Versus

Ganu Babu Hajam/ Sankpal & Ors. ..Respondents.

Mr. V.B. Rajure for the Petitioner.

Mr. S.S. Patwardhan for Respondents.

CORAM : S. A. BOBDE, J.

DATED : 27TH JUNE, 2005.

P.C.:

1. Rule. Rule made returnable forthwith. Shri Patwardhan waives service for Respondents. Heard by consent.

2. The Appellate Court has reversed the decision of the Trial Court, granting an injunction to the Petitioner. In his suit, the Petitioner had sought an injunction, restraining the Respondents from disturbing his possession. I see no reason to

interfere with the order of the Appellate Court, in view of the clear finding of the Appellate Court that the plaintiff has suppressed a material fact from the Court. The plaintiff has not disclosed the sale deed. The sale deed show his share and his sister's share in favour of the Respondent and the consequential R.T.S. under which he sold his share and his sister -in-law's share to the Respondent. This fact is relevant because the sale deed contains a recital of possession of land. 7/12 extracts also show, prima facie, possession of the respondent. Hence, there is no merit in this petition. It is dismissed.

(S.A.BOBDE,J.)

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